

Monsanto

7/25/88

Monsanto Chemical Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

July 25, 1988

RECEIVED
JUL 26 1988
WASTE MANAGEMENT BRANCH

Mr. Charles W. Rice, Chief
RCRA Compliance Section
U.S. Environmental Protection Agency
1200 Sixth Avenue, HW-112
Seattle, WA 98101

Dear Mr. Rice:

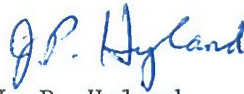
Re: Notice of Violation and Warning, and Request for Information
Environmental Protection Agency Identification #WAD009282302

Rhone-Poulenc's letter of July 19 to you (with its Letter of Credit and Hazardous Waste Facility Certification of Liability Insurance for) demonstrates their compliance with the financial responsibility requirements of 40 CFR Part 265, Subpart H. This relieves Monsanto from any obligation under WAC 173-303-805(7)(d) per Chae Pak of your staff.

An October 1, 1986 letter agreement between Rhone-Poulenc and Monsanto, required Rhone-Poulenc to "fulfill all regulatory requirements in 'closing' said RCRA tank." Monsanto was aware of Rhone-Poulenc's contact with the Washington Department of Ecology (WDOE) in October, regarding RCRA permitting and closure. Monsanto had no direct knowledge that Rhone-Poulenc had not met their RCRA financial responsibility requirements and in fact believed that they had.

The Notice of Violation to Monsanto on June 27 was unnecessary. A similar Notice of Violation had been issued to Rhone-Poulenc on June 14 requiring them as owners to file the financial responsibility papers and Rhone-Poulenc had indicated to your staff (Chae Pak) of their intent to comply. Monsanto requests that the uncalled for Notice of Violation to Monsanto be withdrawn.

Sincerely,



J. P. Hyland
Manager, Environmental Protection

cc: Ms. Julie Sellick, WDOE
Hazardous Waste Section Supervisor

RHÔNE-POULENC INC.

ORGANIC CHEMICALS DIVISION

9229 E. Marginal Way South - P.O. Box 80983 - Seattle, Washington 98108 - Telephone: (206) 784-4450

*Hand Delivered to
V.O.E. Park 7/19/88*

July 19, 1988

**Certified Mail
Return Receipt Requested**

Mr. Charles W. Rice, Chief
RCRA Compliance Section
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, HW-112
Seattle, Washington 98101

Re: Notice of Violation and Warning, and Request for Information -
Environmental Protection Agency Identification Number WAD009282302

Dear Mr. Rice:

Please consider this letter as our response to the above Notice which we received on June 20, 1988.

We are very concerned that there has been a misunderstanding concerning the requirements applicable to Notice of Transfer of our Seattle facility from Monsanto to Rhone-Poulenc, and want to reassure both EPA and the Washington Department of Ecology ("WDOE") that we provided timely notice in the manner recommended to us. Nevertheless, we understand the request for revisions to permit file documents and enclose the following:

- Revised Part A Hazardous Waste Permit Application-Forms 1 and 3
- Hazardous Waste Facility Certificate of Liability Insurance
- Closure Letter of Credit

Prior to Rhone-Poulenc's purchase of the Seattle Plant from Monsanto, contacts were made with various permitting agencies concerning the specific requirements for transfer and related filings. The advice received was to the effect that Rhone-Poulenc should notify the agencies, and that an amended Part A application was optional. A revised Notification of Dangerous Waste Activities (Form 2) was sent to Messrs. Saunders, Bruno, and Conroy at the WDOE on September 30, 1986; and on October 10, 1986, Rhone-Poulenc confirmed by letter its intent to close the waste storage area at its facility, in accordance with the Closure Plan previously filed on August 18, 1986.

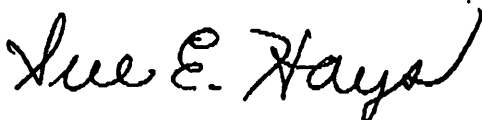


Rhone-Poulenc understood that the storage area at the plant was covered by financial security requirements provided by Monsanto. As a request for closure in accordance with filed Closure Plan was pending with the WDOE, we were unaware and not advised in connection with transfer requirements that any special action was required by Rhone-Poulenc. In this regard, we do not have direct knowledge that the financial responsibility requirements posted by Monsanto expired or were otherwise inadequate during the transition and closure process. Additionally, the DOE regulations applicable at the time of the ownership transfer did not contain a 6-month deadline for change of ownership. Please refer to the prior version of WAC173-303-805(d).

Finally, the third claimed violation involved the numbering of one waste - the subclassification of waste methylene chloride. In particular, the original Part A application listed spent methylene chloride as "F001" (which is correct for degreasing uses of methylene chloride) instead of "F002" (which is correct for general uses of methylene chloride). This classification was of no significant consequence, and the F002 designation has been used in the plant's annual Dangerous Waste Reports to the WDOE, as well as in a recently revised WDOE Form 2, Notification of Dangerous Waste activities.

As demonstrated above, we believe firmly that the EPA and WDOE were provided with all of the substantive information and notifications concerning transfer in a timely fashion. Under any fair view of the facts, earnest efforts were made to obtain guidance on transfer requirements and Rhone-Poulenc followed those instructions, in good faith. Additionally, we believe that the numbering issue with respect to spent methylene chloride was of no consequence and was, in fact, clarified by annual reporting designations. For these reasons, we trust that the enclosures clarify the file records, and that you will agree that neither a citation nor a penalty is justified.

Sincerely,



Sue E. Hays
Governmental Affairs Superintendent

cc: Ms. Julie Sellick, WDOE
Hazardous Waste Section Supervisor

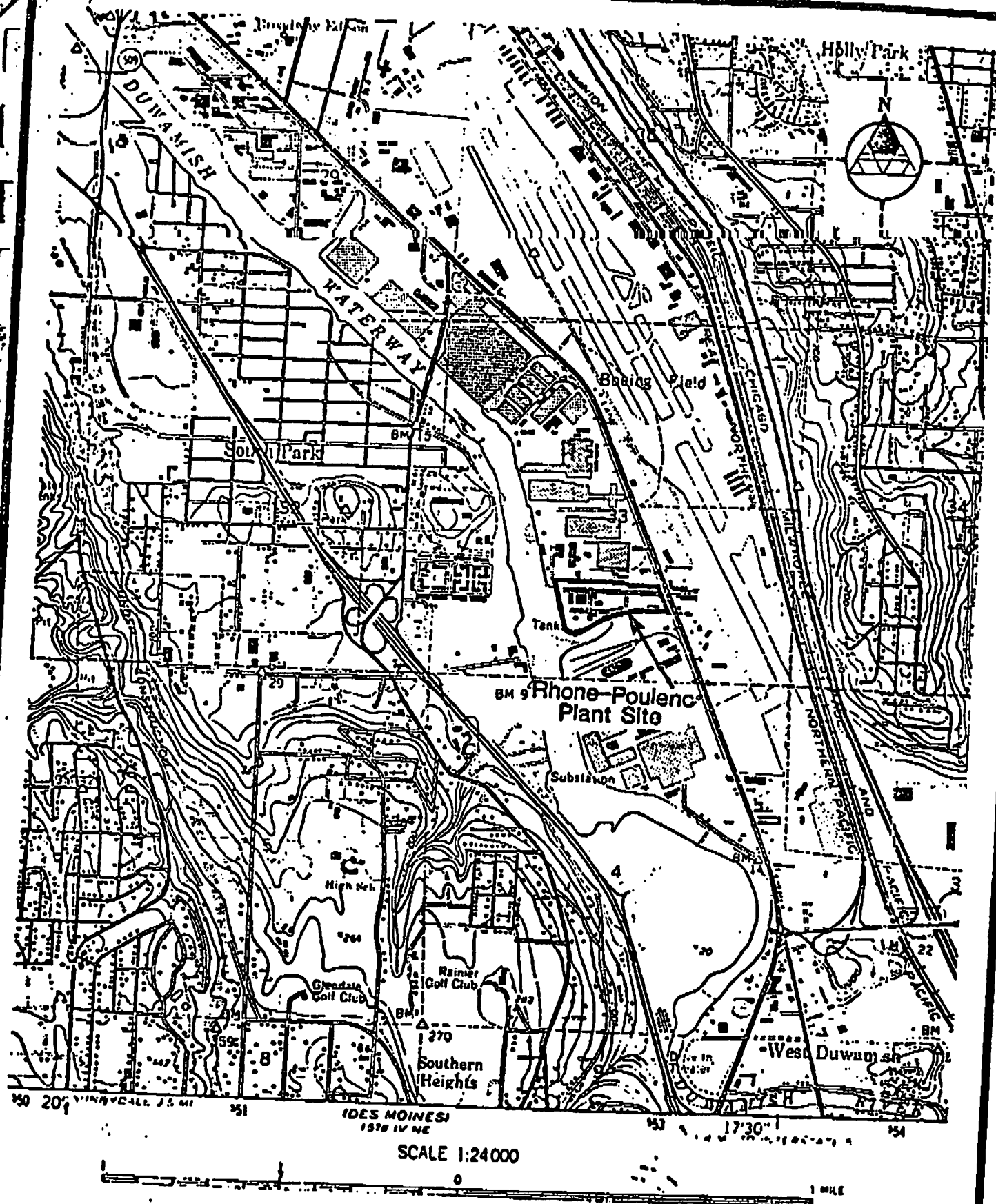
Enclosures

EPA		U.S. ENVIRONMENTAL PROTECTION AGENCY	
GENERAL INFORMATION		GENERAL INFORMATION	
I. EPA ID. NUMBER		F W A D 0 0 9 A 8 A 3 0 A	

II. POLLUTANT CHARACTERISTICS		III. NAME OF FACILITY	
A. Is this facility a publicly owned treatment works (POTW)? (FORM 20)		R H O N E - P O U L E N C I N C	
B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquaculture animal production facility which results in a discharge to waters of the U.S.? (FORM 28)		1. SKIP	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 20)		2. NAME & TITLE (last, first & middle)	
D. Is this a proposed facility (either existing or proposed) which will result in a discharge to waters of the U.S.? (FORM 20)		3. PHONE (area code & no.)	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		4. FACILITY MAILING ADDRESS	
F. Do you or will you inject at this facility industrial or municipal effluent below the lowest stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		5. CITY OR TOWN	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid or gaseous hydrocarbons? (FORM 4)		6. STATE	
H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		7. ZIP CODE	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		8. CITY OR TOWN	
J. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		9. STATE	
K. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		10. ZIP CODE	

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any question, you must submit this form and the supplemental form listed in the parentheses following the question. Mark "X" in the box in the third column. If the supplemental form is attached, if you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your facility is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of point-source discharges.

IV. FACILITY CONTACT		V. FACILITY MAILING ADDRESS	
1. SKIP		3. PO BOX 80963	
2. NAME & TITLE (last, first & middle)		4. FACILITY LOCATION	
3. PHONE (area code & no.)		5. CITY OR TOWN	
4. FACILITY MAILING ADDRESS		6. STATE	
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97. ZIP CODE		99. STATE	
98. CITY OR TOWN		100. ZIP CODE	



REFERENCE: USGS 1949 SEATTLE SOUTH,
WASHINGTON TOPOGRAPHIC QUADRANGLE
PHOTOREVISED 1968

Site Location Map
Rhone-Poulenc Inc.
Seattle, Washington
Part XI

EPA Form 3510-3 (6-80)

EPA I.D. NUMBER (enter from page 1)										FOR OFFICIAL USE ONLY										
WAD009282302										W DUP 2 DUP										
IV. DESCRIPTION OF HAZARDOUS WASTES (continued)																				
WASTE NO.	A. EPA HAZARD. WASTE NO. (enter code)				B. ESTIMATED ANNUAL QUANTITY OF WASTE				C. UNIT OF MEASURE (enter code)		D. PROCESSES									
											1. PROCESS CODES (enter)									
1	D	0	0	2	10 000				T	S 0 2										
2	F	0	0	2	250				P	S 0 1										
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State Dangerous Waste

HAZARDOUS WASTE FACILITY CERTIFICATE OF LIABILITY INSURANCE

1. Name of Insurer, National Union Fire Insurance Company of Pittsburgh, Pa., of 70 Pine Street, New York, N.Y. 10270 hereby certifies that it has issued liability insurance covering bodily injury and property damage to Rhone-Poulenc Inc. (the "Insured"), of CN 5266 Princeton, New Jersey 08543 in connection with the insured obligation to demonstrate financial responsibility under 40 CFR 264.147 or 265.147. The coverage applies at:

LocationLiability Coverage

Sudden

Seattle, WA
9229 E. Marginal Way South
Seattle, WA 98108

1,000,000/2,000,000

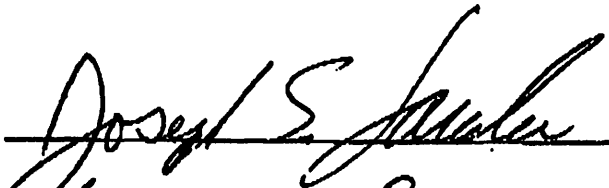
The limits of liability are \$3,000,000 each occurrence and \$6,000,000 annual aggregate exclusive of legal defense costs. The coverage is provided under policy number PRM 7063060 issued on 8/18/87. The effective date of said policy is 8/18/87.

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:
- a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.
 - b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 40 CFR 264.147(f) or 265.147(f).
 - c) Whenever requested by a Regional Administrator of the U.S. Environmental Protection Agency (EPA), the Insurer agrees to furnish to the Regional Administrator a signed duplicate original of the policy and all endorsements.
 - d) Cancellation of the insurance, whether by the Insurer or the insured, will be effective only upon written notice and only after the expiration of sixty (60) days after a copy of such written notice is received by the Regional Administrative(s) or the EPA Region(s) in which the facilities are located.

- e) Any other termination of the insurance will be effective only upon notice and only after the expiration of thirty (30) days of such written notice is received by the Regional Administrator(s) of the EPA Region(s) in which the facilities are located.

I hereby certify that the wording of this instrument is identical to the wording specified in 40 CFR 264.151(j) as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

Signature of Authorized representative of Insurer


Assistant Secretary



BARCLAYS BANK PLC
75 Wall Street
New York, NY 10265

IRREVOCABLE LETTER OF CREDIT NO. 810766

THE DIRECTOR
Washington State Department of Ecology
Northeast Regional Office
4350 150th Avenue North East
Redmond, Washington 98052

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. 810766 in your favor, at the request and for the account of Rhone Poulenc, Inc., 9229 E. Marginal Way South, Seattle, Washington 98108 up to an aggregate amount of (United States Dollars Seventeen Thousand Eight Hundred) U.S. \$17,800.00 available upon presentation of:

(1) your sight draft, bearing reference of this Letter of Credit No. 810766 and

(2) your signed statement reading as follows " I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Resource Conservation and Recovery Act of 1976 as amended, and the Hazardous Waste Disposal Act as amended (Chapter 70.105 RCW)."

This letter of credit is effective as of July 20, 1988 and shall expire on July 20, 1989, but such expiration date shall be automatically extended for a period of 1 (one) year on July 20, 1989 and on each successive expiration date, unless, at least 120 (one hundred twenty) days before the current expiration date, we notify both you and Rhone Poulenc, Inc. by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Rhone Poulenc, Inc. as shown on the signed return receipts.

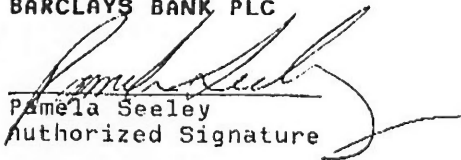
Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of Rhone Poulenc, Inc. in accordance with your instructions.

We certify that the wording of this letter of credit is, with the exception of changes required by Washington State Department of Ecology to assure compliance with the financial requirements of WAC 173-303-400 and/or WAC 173-303-620(10), identical to the wordings specified in 40 CFR 264.151(d) as such regulations were constituted on the date shown immediately below..


This credit is subject to the most recent edition of the Uniform Customs and Practice for Documentary Credits published by the International Chamber of Commerce.

Very truly yours,

BARCLAYS BANK PLC


Pamela Seeley
Authorized Signature

July 19, 1988


Nelson Bernardo
Authorized Signature

July 19, 1988